

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, }
 }
v. }
 }
MICHAEL ALAN CROOKER, }
 }
 }
DEFENDANT. }

CR-04-30034-MAP

DEFENDANT CROOKER'S REQUEST FOR A
CERTIFICATE OF INNOCENCE
PURSUANT TO 28 U.S.C. §2513(b)

Crooker was arrested six (6) years ago today for shipping in interstate commerce a silenced air-rifle. Upon his arrest Crooker protested to Inspector Bryon Dailey of the U.S. Postal Inspection Service that the silencing device was "only for an air-rifle" and was "perfectly legal." At court before Magistrate Nieman on June 23, 2004 and following days Crooker loudly protested his arrest and detention claiming innocence. At one of the very first Magistrate hearings Crooker demanded that the government do a gunshot residue test of the alleged "firearm silencer" in order to prove that the device never came in contact with any firearm. The government refused to do such test and fired gunpowder ammunition through the device which forever contaminated it with gunshot residue.

Crooker continued to protest his innocence, demanded a speedy trial, filed letters and motions of protest, and complained to anyone who would listen. The government caused delay after delay, giving up pretrial discovery in dribs and drabs and even withheld search warrants and applications to the point that defense counsel Bongiorni demanded sanctions against the government.

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The government repeatedly told the court that it was going to supersede the indictment of the alleged "firearm silencer" with other charges involving fireworks ("alleged explosives"), firearms from Stephen Crooker's home, and toxic plant matter ("alleged WMD's"). No such superseding indictment ever arose and these falsehoods by the government caused the court to delay again and again.

Despite Crooker's demands for a speedy trial he was not brought to trial until two years and several days after his detention began. Then he was framed for a pretended offense by the prosecutor and the court raping the English language and claiming that the word "for" does not connote intent, but rather means "capable of." This they did despite other caselaw to the contrary, and no caselaw at all that supported their construction.

Crooker was denied the exculpatory evidence in the encrypted files of his laptop and huge amounts of highly prejudicial, irrelevant evidence was allowed in to bias the jury, such as Stephen Crooker's drum-fed "Streetsweeper" shotgun that Michael Crooker had never even set eyes on prior to the trial.

After Crooker fraudulent conviction for the pretended offense, he waited another year in custody for sentencing and then three more years awaiting an appeal to the First Circuit. All throughout Crooker maintained his "actual innocence." He wrote dozens of letters, filed dozens of lawsuits, actually hundreds, all complaining of having been framed by a corrupt justice system for a make-believe "offense."

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On June 18, 2010 the United States Court of Appeals for the First Circuit reversed Crooker's conviction and ordered that this court enter a judgment of acquittal. In doing so the court agreed with what Crooker professed all along: that an air-rifle silencer not intended for any firearm is perfectly legal for anyone to possess, even a former felon. Further, that this court misconstrued the English language's simple word "for."

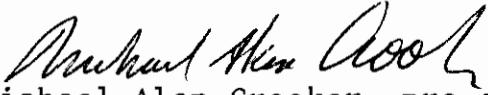
Crooker has now spent six-years in prison for absolutely nothing. He is completely innocent. He has been vindicated by the three wise judges of the First Circuit.

Crooker's circumstances satisfy 28 U.S.C. §2513(a) in that the conviction was reversed on the grounds of innocence and his acts, deeds, or omissions constituted no offense against the United States. Under 28 U.S.C. §2513(e) Crooker is entitled to up to \$50,000 per year in compensation from the United States Court of Federal Claims. Thus Crooker stands to collect \$300,000 to \$350,000 for 6-7 years of wrongful imprisonment, and even beyond that he might have a Bivens or FTCA claim against prosecutors or the United States as occurred in Judge Gerner's \$101.75-Million judgment in the Limone case.

Since it is a prerequisite under 28 U.S.C. §2513 that a certificate of innocence be first obtained, (§2513(b)), Crooker requests this court to now issue same so that he may file for his statutory compensation in the Court of Federal Claims.

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Respectfully submitted,


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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I have this date mailed copies of the foregoing to the following:

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Dated: June 23, 2010

s/ 